

Change of Zone No. 3276

ORDINANCE NO. \_\_\_\_\_

1           AN ORDINANCE amending Chapter 27.33 of the Lincoln Municipal Code by  
2           amending Section 27.33.020 to delete service stations and automobile and appliance sales  
3           and repair facilities as permitted uses in the B-3 zoning district; amending Section 27.33.030  
4           to require fences to screen service stations and automobile or appliance sales and repair  
5           facilities in the B-3 zoning district when located within 100 feet of any residential use or  
6           district, to make those uses conditional uses, and to prohibit those as new uses within 100 feet  
7           of residential uses or districts; and repealing Sections 27.33.020 and 27.33.030 of the Lincoln  
8           Municipal Code as hitherto existing.

9           BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10           Section 1. That Section 27.33.020 of the Lincoln Municipal Code be amended  
11           to read as follows:

12           **27.33.020   Permitted Uses.**

13           A building or premises shall be permitted to be used for the following purposes in the  
14           B-3 Commercial District:

15           (a)   Parks, playgrounds, and community buildings, owned or operated by a public  
16           agency;

17           (b)   Public libraries;

18           (c)   Public elementary and high schools, or private schools having a curriculum  
19           equivalent to a public elementary or public high school, and having no rooms regularly used  
20           for housing or sleeping purposes;

21           (d)   Churches;

- 1 (e) Nonprofit religious, educational, and philanthropic institutions;
- 2 (f) Banks, savings and loan associations, credit unions, and finance companies;
- 3 (g) Barber shops, beauty parlors, and shoeshine shops;
- 4 (h) Private schools, including but not limited to, business or commercial schools,
- 5 dance or music academies, and nursery schools;
- 6 (i) Adult care centers;
- 7 (j) Hospitals and clinics for animals, but not open kennels;
- 8 (k) Self-service laundromats, and launderettes;
- 9 (l) Receiving stores for dry cleaning or laundry;
- 10 (m) Messenger and telegraph stations;
- 11 (n) Office buildings;
- 12 (o) Restaurants;
- 13 (p) Stores or shops for the sale of goods at retail;
- 14 (q) Undertaking establishments;
- 15 (r) Photography studios;
- 16 (s) Key shops;
- 17 (t) Ambulance services;
- 18 (u) Retail bakery;
- 19 (v) Sales and showrooms, including service facilities and rental of equipment,
- 20 provided all displays and merchandise are within the enclosure walls of the buildings;
- 21 (w) Milk distribution stations, but not involving any bottling on the premises;
- 22 (x) Food storage lockers;
- 23 (y) Optical lens grinding and finishing;
- 24 (z) Clubs;
- 25 (aa) Parking lots and storage garages;
- 26 (bb) Enclosed commercial recreational facilities;

1           (cc) ~~Service stations and automobile, m~~Motorcycle, bicycle, and home and office  
2 equipment, and appliance sales and repair facilities; but not including vehicle body repair  
3 shops;

4           (dd) Mail order catalog sales;

5           (ee) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying  
6 shops, or other, similar business establishments.

7           Section 2. That Section 27.33.030 of the Lincoln Municipal Code be amended  
8 to read as follows:

9       **27.33.030   Permitted Conditional Uses.**

10           A building or premises may be used for the following purposes in the B-3 Commercial  
11 District in conformance with the conditions prescribed herein:

12           (a) Automobile wash facility:

13               (1) Automatic, conveyor-operated: The length and location of vehicle stacking  
14 lane or lanes for the approach side or sides and the exit side or sides of the wash operation  
15 shall be in conformance with the "guidelines and regulations for driveway design and  
16 location" as adopted by the City of Lincoln. The stacking space shall not be located within  
17 the required front yard.

18               (2) Self-service, coin-operated car wash: The car wash facility shall not exceed  
19 four wash bays. The length and location of vehicle stacking lane or lanes for the approach  
20 side or sides and the exit side or sides of the wash operation shall be in conformance with the  
21 "guidelines and regulations for driveway design and location" as adopted by the City of  
22 Lincoln. The stacking space shall not be located within the required front yard.

23           (b) Motels and hotels: A distance of at least twenty feet shall be maintained between  
24 buildings on the lot, and each hotel or motel unit shall have a minimum enclosed floor area  
25 of 200 square feet.

1 (c) Furnace, heating, sheet metal, electrical shops or electrical contractors, heating and  
2 air conditioning contractors, and cabinet shops or stores:

3 (1) The floor area of said premises not devoted to sales or office space shall not  
4 exceed 8,000 square feet;

5 (2) Not more than ten percent of the lot or tract occupied by the establishment  
6 shall be used for open and unenclosed storage of material and equipment;

7 (3) All outside storage of material and equipment shall be screened by an  
8 opaque six-foot tall fence constructed of wood, or a substitute material found acceptable by  
9 the Director of Building and Safety.

10 (d) Tire stores and sales, including vulcanizing:

11 (1) The floor area of said premises not devoted to sales or office space shall not  
12 exceed 4,000 square feet;

13 (2) There shall be no manufacturing on the premises.

14 (e) Tailor shops, shoe repairing, upholstery shops, printing, photocopying, household  
15 appliances repairs, or similar business establishments; dyeing and drycleaning works; laundry;  
16 plumbing and water softener service shops.

17 The floor area of said premises not devoted to sales or office space shall not  
18 exceed 4,000 square feet.

19 (f) Dwellings, provided that:

20 (1) Except as provided subparagraph 2 below, dwellings shall only be permitted  
21 above the first story of a building, with the first story used for a non-dwelling use as permitted  
22 in the district. Such non-dwelling use shall not be accessory to the residential use or be a  
23 parking lot or garage.

24 (2) Dwellings shall be permitted in buildings that were originally constructed  
25 for a residential use prior to November 1, 1997.

1 (g) Recycling center:

2 (1) The building area of such center shall not exceed 4,000 square feet;

3 (2) Adequate traffic stacking shall be provided on site as determined by the city;

4 (3) All required parking shall be provided on site;

5 (4) The facility shall not be designed to receive nor shall it accept shipments by  
6 semi-trailer trucks;

7 (5) The construction and operation of such center shall comply with all applic-  
8 able health and fire codes;

9 (h) Vehicle body repair shop:

10 (1) All salvage material including vehicles being salvaged shall be kept inside  
11 a building;

12 (2) All vehicles stored outside a building shall be repaired to an operating state  
13 within thirty days;

14 (3) All vehicles stored outside a building waiting repair shall be screened in  
15 accordance with the screening requirements for salvage and scrap processing operations;

16 (4) The construction and operation of such shop shall comply with all applic-  
17 able health and fire codes;

18 (5) Vehicle body repair shops lawfully existing on the effective date of this or-  
19 dinance shall have until January 1, 1987 to be brought into compliance with conditions (1),  
20 (2), (3), and (4) above.

21 (i) Early childhood care facilities:

22 (1) Such facilities shall comply with all applicable state and local early  
23 childhood care requirements;

24 (2) Such facilities shall comply with all building and life safety code  
25 requirements;

1           (3) Such facilities shall be fenced and have play areas that comply with the  
2 design standards for early childhood care facilities;

3           (4) Such facilities must receive a conditional use permit from the Department  
4 of Building and Safety.

5           (j) Service stations and automobile or appliance sales and repair facilities, but not  
6 including vehicle body repair shops.

7           (1) No service station or automobile or appliance sales and repair facility  
8 shall be permitted to locate within 100 feet of any residential use or district;

9           (2) Any service station or automobile or appliance sales and repair facility  
10 located within 100 feet of any residential use or district which was lawfully established in this  
11 district on the effective date of this ordinance, shall screen the facility from such residential  
12 use or district by the use of an opaque fence six feet in height, constructed of wood, or of a  
13 substitute material found acceptable to the Director of Building and Safety subject to the  
14 provision of condition (3) below;

15           (3) Any service station or automobile or appliance sales and repair facility  
16 located within 100 feet of any residential use or district which was lawfully established in this  
17 district on the effective date of this ordinance shall have until October 1, 2003 to be brought  
18 into compliance with condition (2) above;

19           (4) The locational or screening requirements of (1), (2), and (3) above shall  
20 not apply when said residential use or district is across a public street from the service station  
21 or automobile or appliance sales and repair facility, but shall apply if said residential use or  
22 district is across an alley or private drive from the service station or automobile or appliance  
23 sales and repair facility.

24           Section 3. That Sections 27.33.020 and 27.33.030 of the Lincoln Municipal  
25 Code as hitherto existing be and the same are hereby repealed.

1                   Section 4. That this ordinance shall take effect and be in force from and after  
2 its passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Staff Review Completed:

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Administrative Assistant